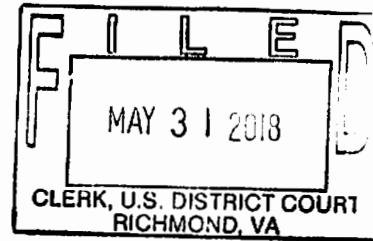


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



RALSTON LEE SMITH, )  
Plaintiff, )  
v. ) Civil Action No. 3:17CV753-HEH  
UNITED STATES OF AMERICA, ) Criminal Action No. 3:16CR19-HEH  
Defendant. )

**MEMORANDUM OPINION**  
**(Dismissing Action As Moot)**

Ralston Lee Smith, a federal prisoner proceeding *pro se*, filed this Motion under Federal Rule of Criminal Procedure 41(g) requesting that the Government return to him his Galaxy 7 cell phone. On January 31, 2018, the Government responded that “it no longer needs to retain the Galaxy 7 cell phone for evidentiary purposes. [Smith] may contact the DEA . . . to designate a recipient (as [Smith] is currently incarcerated) and to facilitate the return of his Galaxy 7 cell phone.” (ECF No. 7, at 1–2.)<sup>1</sup> Thereafter, Smith requested that the phone be mailed to his wife, Mrs. Georgette Smith Taylor at a New York address. (ECF No. 10, at 1.) An agent with the Drug Enforcement Administration mailed the phone to the New York address and it was accepted by an individual at the New York address. (*Id.*) Accordingly, the action will be dismissed as moot. Smith’s outstanding motions (ECF Nos. 2, 4, 9) will be denied as moot.

An appropriate Order shall issue.

  
\_\_\_\_\_  
/s/  
HENRY E. HUDSON  
UNITED STATES DISTRICT JUDGE

Date: May 30, 2018  
Richmond, Virginia

<sup>1</sup> All citations are to the civil action.